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8 **BEFORE THE**  
9 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 833-A

13 JOHN EDWARD COMBS  
6013 Lakewood Blvd.  
Lakewood, CA 90712

O.A.H. No.

**A C C U S A T I O N**

14 Land Surveyor License No. L 4861

15 Respondent.  
16

17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown (Complainant) brings this Accusation solely in his official  
20 capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors,  
21 Department of Consumer Affairs.

22 2. On or about March 19, 1980, the Board for Professional Engineers and  
23 Land Surveyors issued Land Surveyor License Number L 4861 to John Edward Combs  
24 (Respondent). The License was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on September 30, 2010, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board for Professional Engineers  
28 and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the

1 following laws. All section references are to the Business and Professions Code unless otherwise  
2 indicated.

3           4.       Section 118, subdivision (b), of the Code provides that the suspension,  
4 expiration, surrender, or cancellation of a license shall not deprive the Board/Registrar/Director  
5 of jurisdiction to proceed with a disciplinary action during the period within which the license  
6 may be renewed, restored, reissued or reinstated.

7           5.       Section 8759, subdivision (a), provides in pertinent part, that a licensed  
8 land surveyor shall use a written contract when contracting to provide professional services to a  
9 client, and that such contract must be executed by the land surveyor and the client prior to the  
10 licensed surveyor beginning any work. The written contract shall include, but not be limited to,  
11 all of the following:

12                   (1) A description of the services to be provided to the client by the licensed land  
13 surveyor or registered civil engineer.

14                   (2) A description of any basis of compensation applicable to the contract, and the  
15 method of payment agreed upon by the parties.

16                   (3) The name, address, and license or certificate number of the licensed land  
17 surveyor or registered civil engineer, and the name and address of the client.

18                   (4) A description of the procedure that the licensed land surveyor or registered  
19 civil engineer and the client will use to accommodate additional services.

20                   (5) A description of the procedure to be used by any party to terminate the  
21 contract.

22           6.       Section 8780 of the Code states:

23                   “The board may receive and investigate complaints against licensed land  
24 surveyors and registered civil engineers, and make findings thereon.

25                   “By a majority vote, the board may reprove, suspend for a period not to exceed  
26 two years, or revoke the license or certificate of any licensed land surveyor or registered civil  
27 engineer, respectively, licensed under this chapter or registered under the provisions of Chapter 7  
28 (commencing with Section 6700), whom it finds to be guilty of:

1                   “(a) Any fraud, deceit, or misrepresentation in his or her practice of land  
2 surveying.

3                   “(b) Any negligence or incompetence in his or her practice of land surveying.

4                   “(c) Any fraud or deceit in obtaining his or her license.

5                   “(d) Any violation of any provision of this chapter or of any other law relating to  
6 or involving the practice of land surveying.

7                   “(e) Any conviction of a crime substantially related to the qualifications,  
8 functions, and duties of a land surveyor. The record of the conviction shall be conclusive  
9 evidence thereof.

10                  “(f) Aiding or abetting any person in the violation of any provision of this chapter.

11                  “(g) A breach or violation of a contract to provide land surveying services.

12                  “(h) A violation in the course of the practice of land surveying of a rule or  
13 regulation of unprofessional conduct adopted by the board.”

14                  7.       Section 8762 of the Code provides:

15                  (a) Except as provided in subdivision (b), after making a field survey in  
16 conformity with the practice of land surveying, the licensed surveyor or licensed civil engineer  
17 may file with the county surveyor in the county in which the field survey was made, a record of  
18 the survey.

19                  (b) Notwithstanding subdivision (a), after making a field survey in conformity  
20 with the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file  
21 with the county surveyor in the county in which the field survey was made a record of the survey  
22 relating to land boundaries or property lines, if the field survey discloses any of the following:

23                       (1) Material evidence or physical change, which in whole or in part does not  
24 appear on any subdivision map, official map, or record of survey previously recorded or properly  
25 filed in the office of the county recorder or county surveying department, or map or survey record  
26 maintained by the Bureau of Land Management of the United States.

27                       (2) A material discrepancy with the information contained in any subdivision  
28 map, official map, or record of survey previously recorded or filed in the office of the county

1 recorder or the county surveying department, or any map or survey record maintained by the  
2 Bureau of Land Management of the United States. For purposes of this subdivision, a "material  
3 discrepancy" is limited to a material discrepancy in the position of points or lines, or in  
4 dimensions.

5 (3) Evidence that, by reasonable analysis, might result in materially alternate  
6 positions of lines or points, shown on any subdivision map, official map, or record of survey  
7 previously recorded or filed in the office of the county recorder or the county surveying  
8 department, or any map or survey record maintained by the Bureau of Land Management of the  
9 United States.

10 (4) The establishment of one or more points or lines not shown on any subdivision  
11 map, official map, or record of survey, the positions of which are not ascertainable from an  
12 inspection of the subdivision map, official map, or record of survey.

13 (5) The points or lines set during the performance of a field survey of any parcel  
14 described in any deed or other instrument of title recorded in the county recorder's office are not  
15 shown on any subdivision map, official map, or record of survey.

16 (c) The record of survey required to be filed pursuant to this section shall be filed  
17 within 90 days after the setting of boundary monuments during the performance of a field survey  
18 or within 90 days after completion of a field survey, whichever occurs first.

19 (d) (1) If the 90-day time limit contained in subdivision (c) cannot be complied  
20 with for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the  
21 90-day time period shall be extended until the time at which the reasons for delay are eliminated.  
22 If the licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit,  
23 he or she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with  
24 a letter stating that he or she is unable to comply. The letter shall provide an estimate of the date  
25 for completion of the record of survey, the reasons for the delay, and a general statement as to the  
26 location of the survey, including the assessor's parcel number or numbers.

27 (2) The licensed land surveyor or licensed civil engineer shall not initially be  
28 required to provide specific details of the survey. However, if other surveys at the same location

1 are performed by others which may affect or be affected by the survey, the licensed land surveyor  
2 or licensed civil engineer shall then provide information requested by the county surveyor  
3 without unreasonable delay.

4 (e) Any record of survey filed with the county surveyor shall, after being  
5 examined by him or her, be filed with the county recorder.

6 (f) If the preparer of the record of survey provides a postage-paid, self-addressed  
7 envelope or postcard with the filing of the record of survey, the county recorder shall return the  
8 postage-paid, self-addressed envelope or postcard to the preparer of the record of survey with the  
9 filing data within 10 days of final filing. For the purposes of this subdivision, "filing data"  
10 includes the date, the book or volume, and the page at which the record of survey is filed with the  
11 county recorder.

12 8. Section 8764 of the Code states:

13 The record of survey shall show the applicable provisions of the following consistent with  
14 the purpose of the survey:

15 (a) All monuments found, set, reset, replaced, or removed, describing their kind, size, and  
16 location, and giving other data relating thereto.

17 (b) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of  
18 map, and north arrow.

19 (c) Name and legal designation of the property in which the survey is located, and the  
20 date or time period of the survey.

21 (d) The relationship to those portions of adjacent tracts, streets, or senior conveyances  
22 which have common lines with the survey.

23 (e) Memorandum of oaths.

24 (f) Statements required by Section 8764.5.

25 (g) Any other data necessary for the intelligent interpretation of the various items and  
26 locations of the points, lines, and areas shown, or convenient for the identification of the survey  
27 or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of  
28 survey.

1 The record of survey shall also show, either graphically or by note, the reason or reasons,  
2 if any, why the mandatory filing provisions of paragraphs (1) to (5), inclusive, of subdivision (b)  
3 of Section 8762 apply.

4 The record of survey need not consist of a survey of an entire property.

5 9. Section 8765 of the Code states, in pertinent part:

6 "A record of survey is not required of any survey:

7 (d) When the survey is a retracement of lines shown on a subdivision map, official  
8 map, or a record of survey, where no material discrepancies with those records are found and  
9 sufficient monumentation is found to establish the precise location of property corners thereon,  
10 provided that a corner record is filed for any property corners which are set or reset or found to  
11 be of a different character than indicated by prior records. For purposes of this subdivision, a  
12 "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in  
13 dimensions."

14 10. Section 8773, subdivision (a) of the Code, states:

15 "(a) Except as provided in subdivision (b) of Section 8773.4, a person authorized  
16 to practice land surveying in this state shall complete, sign, stamp with his or her seal, and file  
17 with the county surveyor or engineer of the county where the corners are situated, a written  
18 record of corner establishment or restoration to be known as a "corner record" for every corner  
19 established by the Survey of the Public Lands of the United States, except "lost corners," as  
20 defined by the Manual of Instructions for the Survey of the Public Lands of the United States,  
21 and every accessory to such corner which is found, set, reset, or used as control in any survey by  
22 such authorized person."

23 11. California Code of Regulations, Title 16, section 404, subdivision (n),  
24 states:

25 "For the sole purpose of investigating complaints and making findings thereon  
26 under Sections 6775 and 8780 of the Code, "incompetence" as used in Sections 6775 and 8780 of  
27 the Code is defined as the lack of knowledge or ability in discharging professional obligations as  
28 a professional engineer or land surveyor."



1                   12.     California Code of Regulations, Title 16, section 404, subdivision (w),  
2 states:

3                   “For the sole purpose of investigating complaints and making findings thereon  
4 under Sections 6775 and 8780 of the Code, "negligence" as used in Sections 6775 and 8780 of  
5 the Code is defined as the failure of a licensee, in the practice of professional engineering or land  
6 surveying, to use the care ordinarily exercised in like cases by duly licensed professional  
7 engineers and land surveyors in good standing.”

8                   13.     California Code of Regulations, Title 16, section 464, subdivision (e),  
9 states:

10                  “When conducting a survey which is a retracement of lines shown on a  
11 subdivision map, official map, or a record of survey, where no material discrepancies with these  
12 records are found and where sufficient monumentation is found to establish the precise location  
13 of property corners thereon, a corner record may be filed in lieu of a record of survey for any  
14 property corners which are set or reset or found to be of a different character than indicated by  
15 prior records. Such corner records may show one or more property corners, property controlling  
16 corners, reference monuments, or accessories to property corners on a single corner record  
17 document so long as it is legible, clear, and understandable.”

18                  14.     Pursuant to California Code of Regulations, Title 16, section 464,  
19 subdivision (c), the corner record shall be filed within 90 days from the date a corner was found,  
20 set, reset, or used as control in any survey.

21                                   **COST RECOVERY/RESTITUTION**

22                  15.     Code section 125.3 provides that the Board may request the administrative  
23 law judge to direct a licensee found to have committed a violation or violations of the licensing  
24 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
25 case.

26                  ///

27                  ///

28                  ///

1 Tract No. 1868 Sleepy Hollow Number Two

2 FIRST CAUSE FOR DISCIPLINE

3 (Negligence/Incompetence)

4 16. Respondent is subject to disciplinary action under section 8780(b) of the  
5 Code in that he failed to use the care ordinarily exercised in like cases by a duly licensed land  
6 surveyor in the practice of land surveying, or in the alternative, lacked the requisite knowledge  
7 and skill to discharge his duties. The circumstances are as follows:

8 17. In or about 2001, Respondent performed a survey of lots in a recorded  
9 property subdivision located in San Bernardino County, California, more particularly described  
10 as Tract No. 1868 Sleepy Hollow Number Two. Respondent based his survey on record  
11 bearings and distances from an old map that does not close mathematically by gross amounts.  
12 Respondent started his survey at points set by the San Bernardino County Surveyor that were  
13 shown on a recent "record of survey" but did not extend beyond his client's property to check  
14 into other points.

15 18. Respondent filed a "record of survey" instead of a "corner record", but  
16 gave no reason for filing the former rather than the latter, as required by Code section 8764,  
17 subpart (g). Respondent noted on his "record of survey", "FILE THIS MAP WITHOUT ANY  
18 CHANGES." Respondent's map contained some number transpositions and was smaller than  
19 the required size, and was returned by the San Bernardino County Surveyor for corrections.

20 19. After Respondent corrected the map and re-filed it, the County Surveyor  
21 added a statement of his objections to Respondent's map, including: failure to tie into the easterly  
22 or southerly boundary of the tract being surveyed; failure to document making a diligent search  
23 for other monumentation; failure to note lines of occupation or improvements and summarized  
24 "this map is not in accordance with accepted survey procedures."

25 20. Respondent's failure to tie into any other points along the easterly or  
26 southerly boundary of the tract that he surveyed constitutes negligence.

27 21. Respondent's failure to locate evidence of original corners, noted as being  
28 marked with redwood 2" x 2" stakes on the original tract map constitutes negligence, or in the



1 alternative, Respondent's failure to note why he used only record data in his "record of survey"  
2 constitutes negligence.

3 **270 Prospect Ave., Long Beach, CA**

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Negligence)**

6 22. Respondent is subject to disciplinary action under section 8780(b) of the  
7 Code in that he failed to use the care ordinarily exercised in like cases by a duly licensed land  
8 surveyor in the practice of land surveying, or in the alternative, lacked the requisite knowledge  
9 and skill to discharge his duties. The circumstances are as follows:

10 23. In or about December, 2007, Respondent was engaged by Jeff  
11 Calderwood, a general contractor on behalf of property owner, William Reseigh, to survey and  
12 map the property identified as 270 Prospect Ave., Long Beach, CA. Respondent did not  
13 execute a written contract between himself and his client prior to performing any work.

14 24. Respondent performed the survey of the subject property, a lot within a  
15 recorded subdivision. Respondent's survey used points at street intersections that have no  
16 apparent pedigree according to their lack of a reference. Respondent established lot lines by  
17 proration and set points on the east and west prolongations of lot lines.

18 25. Respondent did not file a "corner record" with the County Surveyor, in the  
19 event that there was no material discrepancy, or in the alternative, file a "record of survey" in the  
20 event there was a material discrepancy disclosed if the street centerline points had no pedigree.

21 26. Respondent's failure to execute a written contract with his client  
22 that would have memorialized a description of his services and compensation constitutes  
23 negligence.

24 27. Respondent's failure to show references to the centerline intersection  
25 points and/ or failure to file a "record of survey" explaining their use constitutes negligence.

26 **THIRD CAUSE FOR DISCIPLINE**

27 **(Failure to Execute a Written Contract)**

28 28. Respondent is subject to disciplinary action under Code sections 8759,

1 subdivision(a), in that he failed to execute a written contract with his client before commencing  
2 any work, as set forth in the preceding paragraph 23.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to File Timely Record of Survey)**

5 29. Respondent is subject to disciplinary action under Code sections 8780,  
6 subdivision (d), and 8762, subdivisions (b) and (c) in that he failed to file a record of survey  
7 within 90 days after having conducted a survey on property and having set new boundary  
8 monuments or established one or more points or lines not shown on any previous subdivision  
9 map, official map, or record of survey, or under circumstances in which the survey disclosed  
10 material evidence and/or physical changes and/or discrepancies with maps and surveys  
11 previously filed in the county recorder's office pertaining to the land at issue, or could have, by  
12 reasonable analysis, resulted in materially alternate positions of lines or points shown on  
13 previous maps or surveys pertaining to the property, as set forth in the preceding paragraphs 23  
14 through 25.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Failure to File Timely Corner Record)**

17 30. In the alternative to the preceding paragraph 29, if Respondent was for any  
18 reason not required to file a timely record of survey within 90 days after having conducted the  
19 survey described in the preceding paragraphs 23 through 25, then Respondent is subject to  
20 disciplinary action under Code sections 8780, subdivision (d), and 8765, subdivision (d), and  
21 California Code of Regulations, Title 16, section 464, subdivision (c), in that he failed to file a  
22 corner record within 90 days after having conducted a survey

23 **3572 Delta Ave., Long Beach, CA**

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Negligence)**

26 31. Respondent is subject to disciplinary action under section 8780(b) of the  
27 Code in that he failed to use the care ordinarily exercised in like cases by a duly licensed land

28 ///

1 surveyor in the practice of land surveying, or in the alternative, lacked the requisite knowledge  
2 and skill to discharge his duties. The circumstances are as follows:

3 32. In or about 2005, Respondent performed a survey of a lot in a recorded  
4 subdivision for the property identified as 3572 Delta Ave., Long Beach, CA. The plat prepared  
5 by Respondent shows points set, but no method of establishment. There is no block closure to  
6 verify any of the numbers on the plat. The plat is signed, sealed and dated by Respondent, but is  
7 not on the correct Board approved form. Respondent did not record the plat. Depending upon  
8 the circumstances, if a record of survey was not required to be filed, in the alternative, respondent  
9 was required to file a corner record. Respondent neither filed a record of survey nor filed a  
10 corner record.

11 **SEVENTH CAUSE FOR DISCIPLINE**

12 **(Failure to File Timely Record of Survey)**

13 33. Respondent is subject to disciplinary action under Code sections 8780,  
14 subdivision (d), and 8762, subdivisions (b) and (c) in that he failed to file a record of survey  
15 within 90 days after having conducted a survey on property and having set new boundary  
16 monuments or established one or more points or lines not shown on any previous subdivision  
17 map, official map, or record of survey, or under circumstances in which the survey disclosed  
18 material evidence and/or physical changes and/or discrepancies with maps and surveys  
19 previously filed in the county recorder's office pertaining to the land at issue, or could have, by  
20 reasonable analysis, resulted in materially alternate positions of lines or points shown on  
21 previous maps or surveys pertaining to the property, as set forth in the preceding paragraphs 31  
22 and 32.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Failure to File Timely Corner Record)**

25 34. In the alternative to the preceding paragraph 33, if Respondent was for any  
26 reason not required to file a timely record of survey within 90 days after having conducted the  
27 survey described in the preceding paragraphs 31 and 32, then Respondent is subject to  
28 disciplinary action under Code sections 8780, subdivision (d), and 8765, subdivision (d), and

1 California Code of Regulations, Title 16, section 464, subdivision (c), in that he failed to file a  
2 corner record within 90 days after having conducted a survey.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Failure to Execute a Written Contract)**

5 35. Respondent is subject to disciplinary action under Code sections 8759,  
6 subdivision(a), in that he failed to execute a written contract with his client before commencing  
7 any work, as set forth in the preceding paragraph 32.

8 **Lot 283, Tract 907 MM 28/25-33, Newport Beach, CA**

9 **TENTH CAUSE FOR DISCIPLINE**

10 **(Failure to File Timely Record of Survey)**

11 36. Respondent is subject to disciplinary action under Code sections 8780,  
12 subdivision (d), and 8762, subdivisions (b) and (c) in that he failed to file a record of survey  
13 within 90 days after having conducted a survey on property and having set new boundary  
14 monuments or established one or more points or lines not shown on any previous subdivision  
15 map, official map, or record of survey, or under circumstances in which the survey disclosed  
16 material evidence and/or physical changes and/or discrepancies with maps and surveys  
17 previously filed in the county recorder's office pertaining to the land at issue, or could have, by  
18 reasonable analysis, resulted in materially alternate positions of lines or points shown on  
19 previous maps or surveys pertaining to the property. The circumstances are as follows:

20 37. Sometime prior to 2009, Respondent set monuments as were found to  
21 exist on submitted Record of Survey 2008-1040, description being All Corner of Lot 283, Tract  
22 907 MM 28/25-33, Newport Beach, CA. However, Respondent failed to file a Record of Survey  
23 within 90 days after setting his monuments and further, ignored inquiries by letters dated January  
24 2, 2009 and May 15, 2009 from the Joint Professional Practices Committee of the California  
25 Land Surveyor's Assoc. concerning the facts of Respondent not filing a Record of Survey for the  
26 monuments he set.

27 **DISCIPLINE CONSIDERATIONS**

28 38. To determine the degree of discipline, if any, to be imposed on

1 Respondent, Complainant alleges that in a prior citation matter before the Board for Professional  
2 Engineers and Land Surveyors, Case Number 5064-L, Citation Order 5064-L was issued to  
3 Respondent on February 28, 2001. It became final on March 30, 2001. The citation was issued  
4 to Respondent after an investigation revealed that he had violated Business and Profession Code  
5 section 8762 by failing to record a Record of Survey within 90 days after performing a filed  
6 survey in September 1997 during which he set monuments and established boundary lines on  
7 property located in San Bernardino County. After being contacted by the Enforcement Unit of  
8 the Board for Professional Engineers and Land Surveyors during the course of the investigation  
9 in 1999 and 2000, Respondent submitted the Record of Survey to the County Surveyor's Office  
10 for checking but failed to resubmit it within 60 days after it was returned to him by the County, in  
11 violation of Business and Professions Code section 8767. Respondent's survey was recorded in  
12 February 2001. Citation Order 5064-L also contained an Order of Abatement ordering  
13 Respondent to comply with the Section 8762 and 8767 by timely filing and resubmitting his  
14 records of survey.

#### 15 **DISCIPLINE CONSIDERATIONS**

16 39. To determine the degree of discipline, if any, to be imposed on  
17 Respondent, Complainant alleges that in a prior citation matter before the Board for Professional  
18 Engineers and Land Surveyors, Case Number 5064-L, Citation Order 5064-L was issued to  
19 Respondent on February 28, 2001. It became final on March 30, 2001. The citation was issued  
20 to Respondent after an investigation revealed that he had violated Business and Profession Code  
21 section 8762 by failing to record a Record of Survey within 90 days after performing a filed  
22 survey in September 1997 during which he set monuments and established boundary lines on  
23 property located in San Bernardino County. After being contacted by the Enforcement Unit of  
24 the Board for Professional Engineers and Land Surveyors during the course of the investigation  
25 in 1999 and 2000, Respondent submitted the Record of Survey to the County Surveyor's Office  
26 for checking but failed to resubmit it within 60 days after it was returned to him by the County, in  
27 violation of Business and Professions Code section 8767. Respondent's survey was recorded in  
28 February 2001. Citation Order 5064-L also contained an Order of Abatement ordering

Respondent to comply with the Section 8762 and 8767 by timely filing and resubmitting his records of survey.

40. Citation Order 5064-L also contained a civil penalty in the amount of \$500.00, which was to be paid within 30 days of the citation becoming final. The fine was paid on April 22, 2004. The citation is now final and is incorporated by reference as if fully set forth.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a decision:

1. Revoking or suspending Land Surveyor License Number L 4861, issued to John Edward Combs,
2. Ordering John Edward Combs to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/25/09

*Original Signed*

David E. Brown  
Executive Officer  
Board for Professional Engineers and Land Surveyors  
Department of Consumer Affairs  
State of California  
Complainant

LA2008504015

60475146.wpd



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8 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 833-A

12 **JOHN EDWARD COMBS**  
13 **6013 Lakewood Blvd.**  
**Lakewood, CA 90712**  
14 **Land Surveyor License No. L 4861**

OAH No. L-2010050570

**SUPPLEMENTAL ACCUSATION**

15 Respondent.

16 Complainant alleges as a Supplemental Accusation to the Accusation in this matter filed on  
17 November 25, 2009 as follows:

18 **Centerline of Kings Road, 810' Easterly of Signal Road, Referenced on Corner Record**  
19 **2009-2811A, Newport Beach, CA**

20 **ELEVENTH CAUSE FOR DISCIPLINE**

21 **(Failure to File Timely Record of Survey)**

22 41. Respondent is subject to disciplinary action under Code sections 8780, subdivision  
23 (d), and 8762, subdivisions (b) and (c) in that he failed to file a record of survey within 90 days  
24 after having conducted a survey on property and having set new boundary monuments or  
25 established one or more points or lines not shown on any previous subdivision map, official map,  
26 or record of survey, or under circumstances in which the survey disclosed material evidence  
27 and/or physical changes and/or discrepancies with maps and surveys previously filed in the  
28 county recorder's office pertaining to the land at issue, or could have, by reasonable analysis,

1 resulted in materially alternate positions of lines or points shown on previous maps or surveys  
2 pertaining to the property. The circumstances are as follows:

3 42. Sometime prior to 2010, Respondent set monuments as were found to exist on  
4 submitted Corner Record 2009-2811A, description being Centerline of Kings Road, 810' Easterly  
5 of Signal Road, Newport Beach, CA. However, Respondent failed to file a Record of Survey  
6 within 90 days after setting his monuments and further, ignored inquiries by letters dated  
7 December 6, 2009 and March 8, 2010, from the Joint Professional Practices Committee of the  
8 California Land Surveyor's Assoc. concerning the facts of Respondent not filing a Record of  
9 Survey for the monuments he set.

10 **Centerline of Kings Road, 670' Easterly of Signal Road, Referenced on Corner Record**  
11 **2009-2803A, Newport Beach, CA**

12 **TWELFTH CAUSE FOR DISCIPLINE**

13 **(Failure to File Timely Record of Survey)**

14 43. Respondent is subject to disciplinary action under Code sections 8780, subdivision  
15 (d), and 8762, subdivisions (b) and (c) in that he failed to file a record of survey within 90 days  
16 after having conducted a survey on property and having set new boundary monuments or  
17 established one or more points or lines not shown on any previous subdivision map, official map,  
18 or record of survey, or under circumstances in which the survey disclosed material evidence  
19 and/or physical changes and/or discrepancies with maps and surveys previously filed in the  
20 county recorder's office pertaining to the land at issue, or could have, by reasonable analysis,  
21 resulted in materially alternate positions of lines or points shown on previous maps or surveys  
22 pertaining to the property. The circumstances are as follows:

23 44. Sometime prior to 2010, Respondent set monuments as were found to exist on  
24 submitted Corner Record 2009-2803A, description being Centerline of Kings Road, 670' Easterly  
25 of Signal Road, Newport Beach, CA. However, Respondent failed to file a Record of Survey  
26 within 90 days after setting his monuments and further, ignored inquiries by letters dated  
27 December 6, 2009 and March 8, 2010, from the Joint Professional Practices Committee of the  
28

1 California Land Surveyor's Assoc. concerning the facts of Respondent not filing a Record of  
2 Survey for the monuments he set.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a  
6 decision:

7 1. Revoking or suspending Land Surveyor License Number L 4861, issued to John  
8 Edward Combs;

9 2. Ordering John Edward Combs to pay the Board for Professional Engineers and Land  
10 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to  
11 Business and Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: August 19 2010

Original Signed

DAVID E. BROWN

Executive Officer

Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

Complainant

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19 LA2008504015  
accusation.rtf